

NATIONAL INTELLIGENCER.

LETTER FROM THE HON. A. F. OWEN.

WASHINGTON, DECEMBER 29, 1851.

MESSES. GALE & SEATON: Will you do me the favor to allow me, through the medium of your extensively circulated journal, to make an exposition purely of a personal character? I am aware that such matters are usually uninteresting and not unfrequently quite distasteful to an intelligent public. But in this instance I feel that I have a right to ask a hearing even without an apology.

In my conduct as late Consul for Havana I have been harshly assailed and bitterly denounced, not to say grossly misrepresented and shamefully traduced before the American people. Of the character of those who were the most efficient actors in this conspiracy against my good name and reputation, or their objects or motives, I have no intention at this time or in this way to speak. If my name cannot stand upon its own merits before the tribunal of an impartial and right-thinking people, I am willing that I and it may be consigned to that reproach which both would so richly deserve, if I were such a man as I have been represented to be. My object, therefore, in asking of you the favor, is not to use the medium of your paper for the purpose of assailing any one, not even my calculators, but only to defend myself. I feel that I have been most unjustly dealt by. Whether others who have not the same interest in the matter shall be of the same opinion will depend upon their judgment upon what I have to say.

What, then, are the charges which have been brought against me? Not having seen any presented in any regular form, I shall have to allude to them as I have seen them stated in the newspapers at different times. And, to begin with the most prominent:

1st. It has been said, in substance, that I refused to take any steps on the morning of the 16th of August last to arrest the proceedings which resulted in the condemnation and sentence of death pronounced against my unfortunate countrymen who were taken in the ill-fated Lopez expedition, who were that day executed by the authorities in the Island of Cuba; and not only this, but that I refused to see them or to hear any messages from them to their friends, or to do anything manifesting any commiseration for them in their miserable condition.

To this I have simply to say that it is not true that I refused to take any steps to arrest the proceedings which resulted in the order for their execution. It is not true that I knew of their capture until after their condemnation.

As I have stated on a former occasion, they were condemned before I heard of their capture; so that I had no time to act, or to do anything to prevent their sentence, if I had had the power to do so. Again: It is not true that I refused to see them after their condemnation.

Nor is it true that any desire was expressed by any one of them to see me that was made known to me. On the contrary, I did express a desire to see them, for the purpose of bearing any message they might desire me to be borne to their friends. And I was informed that Mr. Costa, of New Orleans, known personally to some of them, had been sent for, and had attended to such matters.

And I ask that all fair men will bear in mind that I had no more power or authority from my official position to act in the matter than any other American citizen who happened to be there, as will hereafter be fully shown. But it is not true that I even failed to do my utmost as an individual to avert the sad fate of these men under the most moving and melancholy circumstances of their situation.

As soon as I arrived at my office, a little after ten o'clock in the morning, and heard of their sentence and approaching doom, I addressed a note to the Governor and Captain General of the Island. This I did not do in my official character, because, apart from my knowledge of the full extent of my official powers, I had, in an interview with the Captain General the day before touching the course intended to be pursued by him in case any of the men invading the island should be captured, been informed by him that he would not allow any interference, either official or personal, by any Consul in their behalf, let them belong to whatever nation they might. I therefore, on reaching my office, fearing a personal interview might be denied me, wrote and delivered in person to the private secretary of the Captain General the note which follows, purely as an act of humanity. The note and the reply the public can judge of for themselves:

"COMMERCIAL AGENT OF THE UNITED STATES, Havana, August 16, 1851.

"SIR: I have just arrived in the city, and heard of the capture of about fifty of the men who came with Lopez, and that they have been condemned to be shot very soon. Under these embarrassing circumstances, I regard it as my solemn duty to make an appeal to your Excellency in behalf of these unfortunate men; and I trust that this will not be considered as an 'interference,' either official or personal, on my part. I earnestly beseech that the lives of the prisoners may be spared, and if all cannot be spared, that no more shall be taken than are deemed to be absolutely necessary; and if neither of these petitions can be granted, that your Excellency will not permit the prisoners to be executed immediately, but allow them the time possible in the present condition. Will your Excellency allow me an interview at once?"

A. F. OWEN, Esq., U. S. Consul, Havana.

Now the facts are, that these men, or most of them at least, were brought to the city of Havana and committed to prison on the 28th and 29th of August. On the 30th I addressed the following communication to the Governor and Captain-General:

"COMMERCIAL AGENT OF THE UNITED STATES, Havana, August 30, 1851.

"SIR: I desire to invite your Excellency's attention to the subject of the American prisoners belonging to the expedition of Lopez. Some of them have been captured, others have surrendered, and others still will be captured or surrendered under the proclamation which your Excellency was good enough to issue on the 24th instant.

The invasion being ended by the capture and dispersion of the men, and the leader of it being in the power of the Government, it is not, I am sure, desired, either by your Excellency or the Supreme Government, that the unfortunate and misguided men who were engaged in it should needlessly suffer longer.

It is doubtless known to your Excellency that these men have already suffered much. Without a shelter from the storm, without food, save the wild fruit which chance threw in their way, and without clothing, they have for many days wandered in the mountains, pursued and hunted down by the very men who, they were told, were up in arms and revolutionizing this Government.

In view of all these things, the misrepresentations of the designing by whom these unfortunate men have been induced to invade this island, and the sufferings they have already endured, I respectfully request that the citizens may be removed from the limbs of the prisoners, and that they may be treated with all the kindness consistent with their condition.

I trust that your Excellency will permit the prisoners to be visited by such of their countrymen as are here or may come here during their confinement, and who may desire to see them; and that they may be allowed to send their friends, in any way, clothing, and such other articles as may conduce to their comfort, which it is desired to afford them.

I desire to see your Excellency as soon as an interview can be granted, to present some views for your Excellency's consideration relative to the liberation of all these unfortunate men; many of them are husbands and have dependent wives and helpless children; more of them have fathers, mothers, and sisters, who will be in the deepest distress at their capture and imprisonment when it shall become known to them.

Hoping for the most favorable results, and believing that your Excellency will afford the opportunity of showing kindness and humanity to the prisoners, I have the honor to be your Excellency's obedient servant.

A. F. OWEN.

His Excellency Sir. D. JOSE DE LA CONCHA, Governor and Captain-General of the Island of Cuba.

[Seal of the Government of the Island of Cuba.]

OFFICE OF THE POLITICAL SECRETARY.

I have just received the communication that you have been pleased to address me, interesting yourself that I shall spare the lives of all or some of the fifty prisoners, or that the penalty of death upon them should be suspended. It is impossible for me to accede to any one of the three terms which you propose to accede to any one of them. I am not an American citizen, and I cannot accede to any other than the American Government's policy. They are pirates, acknowledged and declared as such by the Spanish Government, long before they attempted the criminal undertaking that they accomplished; and no otherwise can be considered those who, without any acknowledged flag, assemble, arm themselves, embark, invade, and spill the blood of their country, in a quiet country, that is, in a country where there is a full peace and friendship with the nation which they call themselves citizens.

The American Government itself thus considered them also, when, in such solemn and public documents as its proclamations, it not only reprobated the expedition of which they formed a part, but also declared them to be pirates in the most explicit manner, that it would not acknowledge them as American citizens; that no effort would be made in their favor to save them from the penalty that might be laid upon them in the country where they were going; and that, for the same reason, it would insist upon the fate they might there meet with. I cannot but be surprised, therefore, that you should interest yourself in their favor in a letter which I am answering; although with the saving clause that it may not be considered as an official or personal "interference." You are aware that Consuls, who are strictly commercial agents, ought not in any manner to interfere in affairs of this nature; and you cannot be ignorant either that the will of your Government is that no efforts be made in behalf of those who compose such criminal expeditions as the one now alluded to.

It being, in the most complete manner, proved that the fifty prisoners you recommend to me are part of those who, trampling upon all international law, invaded in arms this peaceful island, and fought against the soldiers that defend it; it being notorious that their companions still resist, protected by the mountains, the attacks of our troops; and that they, after the defeat they sustained, were trying to save themselves by flight, neither justice nor policy counsel me to accede to the wishes expressed by you; and in this affair I will not admit any interference, privately or officially, from you, nor from the other Consuls resident in this city.

God preserve you many years!

JOSE DE LA CONCHA.

HAVANA, AUGUST 16, 1851.

It may be proper, before proceeding further, to state that a very general misapprehension seems to prevail in the public mind touching the powers and duties of a Consul for Havana. It does not seem to be known or appreciated that he is restricted in express terms to such matters as are strictly commercial. He has no diplomatic powers, and is so informed by the Government of the United States, and every communication made by him on subjects other than commercial can only be addressed as matters of favor, and not of right. This can readily be perceived by reading the extent of the powers as set forth in the following royal

equipoise:

"DONA ISABEL, REINA, by the Grace of God and the Constitution of the Spanish monarchy, Queen of Spain: Inasmuch as the Minister Plenipotentiary of the United States has reported that the President of said Republic has appointed Mr. Allen F. Owen Consul of the same for

Havana, as it appears from the commission which he has exhibited, begging that I would be pleased to approve of it, in order that he may exercise the functions of said office, and to which I have assented; Therefore, I command the Captain-General of the Island of Cuba, and the other authorities whose duty it may be to see this my royal decree carried out, to receive and to recognize the aforesaid Mr. Allen F. Owen in the capacity of Consul of the United States at Havana, in the form prescribed by the royal ordinance of the twenty-fourth of March, one thousand eight hundred and twenty-nine, and to permit him to enjoy and to exercise his functions; in doing which he is not to exercise any act of jurisdiction, being only allowed to interpose his arbitration in controversies which may occur between merchants and settling people, with a view of reconciling them and of settling their differences. Under which condition, and none other, I grant him this my royal authority to perform the functions of said office; and to this effect I order that he may be allowed to exercise the privileges and to receive the emoluments appertaining to the same, and that he may enjoy the exemptions, prerogatives, and immunities compatible with the special law which is in force in that colony.

Given in Madrid, on the 12th of August, one thousand eight hundred and fifty-one.

(Countersigned.) I THE QUEEN.

THE MARQUIS MIRAFLORES.

This is the usual form of the powers allowed by Spain to all Consuls in her transmarine dependencies. And from this it will be seen that I had no more power to act in the matter under consideration than any other citizen of the United States in Havana at that time; no more than any one of our naval officers within the range of whose guns the execution took place. If any one of all the American citizens then there, either with or without any official connection with our Government, did more than I did, or even as much, I have yet to learn it. But, to proceed:

2d. It has been said that, after the surrender and capture of those who came under the proclamation of the Governor and Captain-General of the 24th August, and were committed to the Puntal prison afterwards, I refused to see them, or to do anything for them, or to make any intercession for them. One of these prisoners, Capt. Kelly, has published under his own hand, since his return to this country, a statement, which has had an extensive circulation through the medium of the presses of the country, making this charge, and other charges also, which I shall not deign to notice. It is due to me that the public, however, should know the facts; and I shall not so far compromise my own self-respect as to ask the public to judge between me and him. But that Capt. Kelly may see himself how far he is sustained by Capt. Platt and Lieut. Taylor, of the United States sloop-of-war Albany, to whom he referred in a part of his statement, I subjoin their joint letter to me:

UNITED STATES SHIP ALBANY, Havana, December 4, 1851.

SIR: Your note of this day, in reference to a letter published by Capt. Kelly, of the late Lopez expedition, has been received, and we take great pleasure in complying with your request.

We have no hesitation in saying that Capt. Kelly has made a great mistake in that portion of his statement referring to ourselves, to wit:

"When Capt. Platt of the sloop-of-war Albany visited us, I sent to Mr. Owen by him, and he again refused to come. Then Lieut. Taylor, of the Albany, said he would 'make him come,' and the next morning Mr. Owen paid 'us a visit with Capt. Platt.'"

The facts are simply these. Before we proceeded to the Puntal, on the 30th August, we called at your office, and you then desired us to say to the prisoners confined there for taking part in the invasion of Cuba, that if they wished to see you they would pay them a visit, although you could do nothing for them in your official capacity. This message was conveyed to them, and they said that they would be glad to have you come. Your visit to them, in company with Capt. Platt, was made in compliance with their acceptance of your offer.

The inference to be drawn from the above quotation from Capt. Kelly's letter is that Lieut. Taylor said to the prisoners: "Lieut. Taylor never saw them, except in company with Capt. Platt on the occasion mentioned. Neither of us heard any complaint from them, at that time, of any neglect or indifference on your part towards them."

Very respectfully, your obedient servants,

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It is doubtless known to your Excellency that these men have already suffered much. Without a shelter from the storm, without food, save the wild fruit which chance threw in their way, and without clothing, they have for many days wandered in the mountains, pursued and hunted down by the very men who, they were told, were up in arms and revolutionizing this Government.

In view of all these things, the misrepresentations of the designing by whom these unfortunate men have been induced to invade this island, and the sufferings they have already endured, I respectfully request that the citizens may be removed from the limbs of the prisoners, and that they may be treated with all the kindness consistent with their condition.

I trust that your Excellency will permit the prisoners to be visited by such of their countrymen as are here or may come here during their confinement, and who may desire to see them; and that they may be allowed to send their friends, in any way, clothing, and such other articles as may conduce to their comfort, which it is desired to afford them.

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The American Government itself thus considered them also, when, in such solemn and public documents as its proclamations, it not only reprobated the expedition of which they formed a part, but also declared them to be pirates in the most explicit manner, that it would not acknowledge them as American citizens; that no effort would be made in their favor to save them from the penalty that might be laid upon them in the country where they were going; and that, for the same reason, it would insist upon the fate they might there meet with. I cannot but be surprised, therefore, that you should interest yourself in their favor in a letter which I am answering; although with the saving clause that it may not be considered as an official or personal "interference." You are aware that Consuls, who are strictly commercial agents, ought not in any manner to interfere in affairs of this nature; and you cannot be ignorant either that the will of your Government is that no efforts be made in behalf of those who compose such criminal expeditions as the one now alluded to.

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THE MARQUIS MIRAFLORES.

This is the usual form of the powers allowed by Spain to all Consuls in her transmarine dependencies. And from this it will be seen that I had no more power to act in the matter under consideration than any other citizen of the United States in Havana at that time; no more than any one of our naval officers within the range of whose guns the execution took place. If any one of all the American citizens then there, either with or without any official connection with our Government, did more than I did, or even as much, I have yet to learn it. But, to proceed:

2d. It has been said that, after the surrender and capture of those who came under the proclamation of the Governor and Captain-General of the 24th August, and were committed to the Puntal prison afterwards, I refused to see them, or to do anything for them, or to make any intercession for them. One of these prisoners, Capt. Kelly, has published under his own hand, since his return to this country, a statement, which has had an extensive circulation through the medium of the presses of the country, making this charge, and other charges also, which I shall not deign to notice. It is due to me that the public, however, should know the facts; and I shall not so far compromise my own self-respect as to ask the public to judge between me and him. But that Capt. Kelly may see himself how far he is sustained by Capt. Platt and Lieut. Taylor, of the United States sloop-of-war Albany, to whom he referred in a part of his statement, I subjoin their joint letter to me:

UNITED STATES SHIP ALBANY, Havana, December 4, 1851.

SIR: Your note of this day, in reference to a letter published by Capt. Kelly, of the late Lopez expedition, has been received, and we take great pleasure in complying with your request.

We have no hesitation in saying that Capt. Kelly has made a great mistake in that portion of his statement referring to ourselves, to wit:

"When Capt. Platt of the sloop-of-war Albany visited us, I sent to Mr. Owen by him, and he again refused to come. Then Lieut. Taylor, of the Albany, said he would 'make him come,' and the next morning Mr. Owen paid 'us a visit with Capt. Platt.'"

The facts are simply these. Before we proceeded to the Puntal, on the 30th August, we called at your office, and you then desired us to say to the prisoners confined there for taking part in the invasion of Cuba, that if they wished to see you they would pay them a visit, although you could do nothing for them in your official capacity. This message was conveyed to them, and they said that they would be glad to have you come. Your visit to them, in company with Capt. Platt, was made in compliance with their acceptance of your offer.

The inference to be drawn from the above quotation from Capt. Kelly's letter is that Lieut. Taylor said to the prisoners: "Lieut. Taylor never saw them, except in company with Capt. Platt on the occasion mentioned. Neither of us heard any complaint from them, at that time, of any neglect or indifference on your part towards them."

Very respectfully, your obedient servants,